

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

PLANT PEST CONTROL DIVISION

NOTICES OF JUDGMENT UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Nos. 252-270

The following notices of judgment relate to cases arising in the United States District Courts and are approved for publication as provided in section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 135d).

B. T. SHAW,
Administrator, Agricultural Research Service.

WASHINGTON, D. C., May 15, 1958.

252. Lack of registration and misbranding of "CEDAR-SEAL GENUINE AROMATIC RED CEDAR." U. S. v. 599 1-pound bags, more or less, and 300 5-pound bags, more or less, of "CEDAR-SEAL GENUINE AROMATIC RED CEDAR." Consent decree of condemnation and release of the product under bond for the purpose of bringing it into compliance with the act. (I. F. & R. No. 303. I. D. No. 34086.)

The product "CEDAR-SEAL GENUINE AROMATIC RED CEDAR" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and its label failed to bear an ingredient statement.

On November 6, 1957, the United States District Attorney for the Northern Division of the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 599 1-pound bags and 300 5-pound bags, more or less, of "CEDAR-SEAL GENUINE AROMATIC RED CEDAR" at Montgomery, Ala., alleging that the product was an economic poison which had been transported interstate by Cedar-Seal Corporation on or about September 30, 1957 from Decherd, Tenn., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded in that the label borne by the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

The Cedar-Seal Corporation, Decherd, Tenn., claimed ownership of the product and requested its release under bond for the purpose of bringing it into compliance with the Federal Insecticide, Fungicide, and Rodenticide Act.

On January 15, 1958, a consent decree of condemnation was entered, and it was ordered by the Court that the product be released to the claimant under bond.

253. Lack of registration and misbranding of "CEDAR CLOSET SPRAY." U. S. v. 1,418 containers, more or less, of "CEDAR CLOSET SPRAY." Consent decree of condemnation and release of the product under bond. (I. F. & R. No. 307. I. D. No. 34205.)

The product "CEDAR CLOSET SPRAY" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the label affixed to the containers did not bear an ingredient statement. The product was also misbranded in that the label bore a false or misleading statement.

On January 7, 1958, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 1,418 containers, more or less, of "CEDAR CLOSET SPRAY" at New York, N. Y., alleging that the product was an economic poison which had been transported interstate by Aerosol Methods on or about October 30, 1957, from Norristown, Pa., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required under section 4 of the act.

It was alleged that the product was misbranded in that the label borne by the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

It was alleged that the product was further misbranded within the meaning of the act in that the label stated in part:

"A product of
THE ANDRE L. RICHARD CO. INC.
New York 16, N. Y.

which statement was false or misleading, since it implied or represented that The Andre L. Richard Co., Inc., was the manufacturer of the product, whereas The Andre L. Richard Co., Inc., was not the manufacturer of the product.

The Andre L. Richard Co., Inc., New York, N. Y., claimed ownership of the product and requested its release under bond, for the purpose of removing it from the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

On February 28, 1958, a consent decree of condemnation was entered and it was ordered by the Court that the product be released to the claimant under bond.

254. Lack of required information on the label, misbranding and adulteration of "KER-DAN 45% CHLORDANE"; and lack of registration and lack of required information on the labels of "KER-DAN DDT CONCENTRATE OIL SOLUBLE 25% TECHNICAL". U. S. v. one 55-gallon drum, more or less, of "KER-DAN 45% CHLORDANE", and two 55-gallon drums, more or less, of "KER-DAN DDT CONCENTRATE OIL SOLUBLE 25% TECHNICAL". Default decree of condemnation, forfeiture and destruction. (I. F. & R. No. 290, I. D. Nos. 32623 and 32624.)

The product "KER-DAN 45% CHLORDANE" was misbranded and adulterated in that the label for the product claimed a technical chlordane content of 45%. However, upon examination the product was found to contain total chlorine equivalent to 22.11% of technical chlordane. The label for the product also failed to bear a statement of the net weight or measure of the content as required by the act. The product also was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. The product "KER-DAN DDT CONCENTRATE OIL SOLUBLE 25% TECHNICAL" was not registered under the act, and the labels for the product failed to bear a statement of the net weight or measure of the content as required by the act.

On September 13, 1956, the United States Attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of one 55-gallon drum, more or less of "KER-DAN 45% CHLORDANE", and two 55-gallon drums, more or less of "KER-DAN DDT CONCENTRATE OIL

SOLUBLE 25% TECHNICAL," at Indianola, Miss., alleging that the products were economic poisons which had been transported interstate on or about June 17, 1954, June 23, 1955, and June 15, 1956, from Montgomery, Ala., by Ker-Dan Products in violation of the act.

It was alleged that the label affixed to the container of "KER-DAN 45% CHLORDANE" did not comply with the act, in that it failed to bear a statement of the net weight or measure of the content.

It was further alleged that the product "KER-DAN 45% CHLORDANE" was misbranded within the meaning of the act, in that its label stated in part:

* * *

KER-DAN

45%

CHLORDANE

* * *

ACTIVE INGREDIENTS:

Technical chlordane*-----	45%
Petroleum Distillate-----	49%
INERT INGREDIENTS-----	6%

*Octachlor-4, 7-Methano-tetradroindane and 18% related compounds

* * *

which implied that the product contained 45% of technical chlordane, whereas the product contained substantially less than 45% technical chlordane.

It was alleged that the product "KER-DAN DDT CONCENTRATE OIL SOLUBLE 25% TECHNICAL" was not registered with the Secretary of Agriculture, as required by section 4 of the act.

It was further alleged that the labels affixed to the containers of the product "KER-DAN DDT CONCENTRATE OIL SOLUBLE 25%" did not comply with the act in that they failed to bear a statement of the net weight or measure of the content.

On November 23, 1956, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the products.

255. Lack of registration of "ALCATRAZ NUMBER 100 WOOD PRESERVATIVE DARK BROWN." U. S. v. twenty-three one-gallon containers, six five-gallon containers, and three 55-gallon containers, more or less, of "ALCATRAZ NUMBER 100 WOOD PRESERVATIVE DARK BROWN." Consent decree of condemnation and release under bond. (I. F. & R. No. 282. I. D. No. 31394.)

The product "ALCATRAZ NUMBER 100 WOOD PRESERVATIVE DARK BROWN" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On February 24, 1956, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of twenty-three one-gallon containers, six five-gallon containers, and three 55-gallon containers, more or less, of "ALCATRAZ NUMBER 100 WOOD PRESERVATIVE DARK BROWN" at Washington, D. C., alleging that the product was an economic poison which had been transported interstate on or about December 15, 1955, by the Alcatraz Co., Inc., from Richmond, Va., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required under section 4 of the act.

The Alcatraz Co., Inc., Richmond, Va., claimed ownership of the product and requested its release under bond for the purpose of bringing the product into compliance with the act.

On February 28, 1957, a decree of condemnation was entered, and the product was released to the claimant under bond.

256. Lack of registration of "SHOO-FLY HORNET EAR-WIG JET BOMB," "HARI KARI KILLS JAPANESE BEETLES," and "HARI KARI FLOWER BOMB." U. S. v. 34 14-ounce containers, more or less, of "SHOO-FLY HORNET EAR-WIG JET BOMB," 235 1-pound containers, more or less, of "HARI KARI KILLS JAPANESE BEETLES," and 70 14-ounce containers, more or less, of "HARI KARI FLOWER BOMB." Consent decree of condemnation with respect to "SHOO-FLY HORNET EAR-WIG JET BOMB" and "HARI KARI FLOWER BOMB." Default decree of condemnation and forfeiture with respect to "HARI KARI KILLS JAPANESE BEETLES." (I. F. & R. No. 292. I. D. Nos. 32729, 32730, and 32731.)

The products "SHOO-FLY HORNET EAR-WIG JET BOMB," "HARI KARI KILLS JAPANESE BEETLES," and "HARI KARI FLOWER BOMB" were not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On October 31, 1956, the United States Attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 34 14-ounce containers, more or less, of "SHOO-FLY HORNET EAR-WIG JET BOMB," 235 1-pound containers, more or less of "HARI KARI KILLS JAPANESE BEETLES," and 70 14-ounce containers, more or less, of "HARI KARI FLOWER BOMB" at Providence, R. I., alleging that the products were economic poisons which had been transported interstate on or about May 31, 1956, and June 27, 1956, by Lynwood Laboratories from Norwood, Mass., in violation of the act.

It was alleged that the products were not registered with the Secretary of Agriculture as required under section 4 of the act.

Lynwood Laboratories, Norwood, Mass., claimed ownership of the products but no answer was filed within the time required as provided by law. Subsequent to seizure, the claimant brought into compliance with the act the products "SHOO-FLY HORNET EAR-WIG JET BOMB," and "HARI KARI FLOWER BOMB."

On April 4, 1957, the court ordered the products "SHOO-FLY HORNET EAR-WIG JET BOMB," and "HARI KARI FLOWER BOMB" be released to the claimant after payment of court costs and fees and that the United States Marshal distribute the product "HARI KARI KILLS JAPANESE BEETLES" to one or more public or charitable institutions.

257. Misbranding of "PURITRON." U. S. v. 49 devices, more or less, labeled "PURITRON." Consent decree of condemnation and release under bond. (I. F. & R. No. 293. I. D. No. 32369.)

The product "PURITRON" was misbranded within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act in that the labeling for the product bore false and misleading statements.

On November 9, 1956, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 49 devices, more or less, labeled "PURITRON," at Chicago, Ill., alleging that the product was a device which had been transported interstate on or about August 10, 1956, by Ozo Sales Corp. from New Haven, Conn., in violation of the act.

It was alleged that the product was misbranded within the meaning of the act in that its labeling bore the statements:

(Mailing card)

"* * *

To Get Best Results From Your
PURITRON

* * *

NURSERY—Turned on when necessary, it will keep the nursery air sweet smelling and kill air borne bacteria.

SICKROOM—Used whenever necessary, it destroys all sickroom odors and helps prevent the spread of disease germs.

(Circular "BANISH
SMOKE! ODORS!
POLLENS!")

* * *

"* * *

ALLERGY SUFFERERS

... Puritron gives welcome relief as the air in the room is drawn over a series of ultra-violet lamps and a fiberglass filter to eliminate pollens and kill airborne bacteria.

KILLS DISEASE BACTERIA

The air in the room is drawn into the Puritron and passed over Westinghouse ultra-violet, germicidal lamps, eliminating airborne germs.

FILTERS AND CIRCULATES

After the air passes the germ-killing ultra-violet lamps, it is forced through a special fiberglass filter back into the room, free of dust and pollens.

* * *

**PURITRON IN THE BASEMENT
ELIMINATES THE ODORS OF MIL-
DEW AND DAMPNES . . .**

PURITRON kills the bacteria that causes mildew.

* * *

(Tag Label)

"* * *

**PURITRON
REMOVES ODORS & SMOKE**

* * *

KILLS DISEASE BACTERIA

* * *

The air in the room is drawn into the Puritron and passed over ultra-violet lamps, eliminating airborne germs!

After the air passes the germ-killing ultra-violet lamps, it is forced through a special fiberglass filter back into the room, free of dust and pollens. The Puritron changes the air in a 20' x 20' room five times an hour.

* * *

which statements were false or misleading since they implied or represented: (1) that the devices contained germicidal lamps; and (2) that the devices, when used as directed, would (a) kill all air-borne bacteria, (b) kill the bacteria which caused mildew, (c) eliminate air-borne germs, (d) kill disease bacteria, and (e) prevent the spread of disease germs; whereas, (1) the devices did not contain germicidal lamps; and (2) the devices, when used as directed, would not (a) kill all air-borne bacteria, (b) kill the bacteria which caused mildew, (c) eliminate air-borne germs, (d) kill disease bacteria, or (e) prevent the spread of disease germs.

Utility Supply Co., Chicago, Ill., claimed ownership of the product and requested its release under bond for the purpose of removing the product from the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

On February 26, 1957, a consent decree of condemnation was entered and it was ordered by the court that the product be released to the claimant under bond.

258. Lack of registration and misbranding of "DAY 'N NITER SLEEP AND PLAY SET." U. S. v. 35 sets, more or less, of "DAY 'N NITER SLEEP AND PLAY SET." Default decree of condemnation, forfeiture and destruction. (I. F. & R. No. 296. I. D. No. 33410.)

The product "DAY 'N NITER SLEEP AND PLAY SET" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. When tested, it was found to be ineffective for the purposes for which it was intended. An

examination of the label for the product showed that it did not bear an ingredient statement.

On April 2, 1957, the United States Attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 35 sets, more or less, of "DAY 'N NITER SLEEP AND PLAY SET" at San Francisco, Calif., alleging that the product was an economic poison which had been transported interstate on or about January 23, 1957, by S & R Infants Wear Co., Inc., from New York, N. Y., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required under section 4 of the act.

It was alleged that the product was misbranded in that the label borne by the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

It was further alleged that the product was misbranded in that the labeling stated in part:

* * *

NEW! THIS SET IS 'TYDEEKLEEN' . . . IT IS GUARANTEED NEW!
BACTERIA-FREE . . . SELF-STERILIZING . . . SELF-DEODORIZING
DAY 'N NITER
SLEEP AND PLAY SET * * * ACTIVELY ANTISEPTIC
In Wonderlure Knit Terry SELF-STERILIZING
SELF-DEODORIZING

* * *

'TYDEEKLEEN'*
processed garments
protect your baby's
health . . .
'TYDEEKLEEN'
means this garment is
Bacteriostatic, in fact . . .

ACTIVELY ANTISEPTIC

A guarantee of hygienic cleanliness. Rigid U. S. Government testing methods Prove that 'Tydeekleen' garments resist bacterial contamination.

*'Tydeekleen' is laboratory tested and proved.

SELF-STERILIZING
A strong protective barrier. As rapidly as causes of bacterial contamination come in contact with the treated fabric, the offending agents are eliminated.

SELF-DEODORIZING
Unpleasant odors are stopped-'Tydeekleen' garments inhibit bacterial growth, so eliminate bacterial decomposition odors.

* * *

(Leaflet)

'TYDEEKLEEN'*
processed garments protect your baby's health . . .
'TYDEEKLEEN'
means this garment is Bacteriostatic, in fact . . .
ACTIVELY ANTISEPTIC
A guarantee of hygienic cleanliness. Rigid U. S. Government testing methods PROVE that 'Tydeekleen' garments resist bacterial contamination.
*'Tydeekleen' is laboratory tested and proved.
An exclusive new process using the wonder formula COROBEX.

SELF-STERILIZING

A strong protective barrier. As rapidly as causes of bacterial contamination come in contact with the treated fabric, the offending agents are eliminated.

SELF-DEODORIZING

Unpleasant odors are stopped—"Tydeekleen" garments inhibit bacterial growth, so eliminate bacterial decomposition odors.

* * *

"TYDEEKLEEN"

processed garments . . .
Guard your Baby's Health

"TYDEEKLEEN"

A symbol . . . A Guarantee
of protection and health.

TESTED AND PROVED . . .

By U. S. Government approved laboratories.

* * *

and such statements were false or misleading since they implied or represented (1) that the product was bacteria-free, self-sterilizing and actively antiseptic, (2) that the product would prevent the growth of bacteria, (3) that the product would eliminate bacteria which come in contact with the treated fabric, (4) that the product would protect babies from infectious bacteria, and (5) that United States Government testing methods had proved that the product would resist bacterial contamination; whereas, (1) the product was not bacteria-free, self-sterilizing or actively antiseptic, (2) the product would not prevent the growth of bacteria, (3) the product would not eliminate bacteria which come in contact with the treated fabric, (4) the product would not protect babies from infectious bacteria, or (5) United States Government testing methods had not proved that the product would resist bacterial contamination.

On April 23, 1957, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

259. Lack of registration of "ALCATRAZ NUMBER 100 WOOD PRESERVATIVE DARK BROWN." U. S. v. six 55-gallon containers, more or less, of "ALCATRAZ NUMBER 100 WOOD PRESERVATIVE DARK BROWN."
Consent decree of condemnation. (I. F. & R. No. 291. I. D. No. 32912.)

The product "ALCATRAZ NUMBER 100 WOOD PRESERVATIVE DARK BROWN" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On October 30, 1956 the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the United States District court a libel praying seizure for condemnation and confiscation of six 55-gallon containers, more or less, of "ALCATRAZ NUMBER 100 WOOD PRESERVATIVE DARK BROWN" at Washington, D. C., alleging that the product was an economic poison which had been transported interstate on or about October 2, 1956, by The Alcatraz Co., Inc., from Richmond, Va., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required under section 4 of the act.

Subsequent to the seizure, the product was registered under the act and The Alcatraz Co., Inc., Richmond, Va., claimed ownership of the product. On February 6, 1957, a decree of condemnation was entered and the product was released to the claimant.

- 260. Lack of registration and misbranding of "GENUINE MIST OF CEDAR * * * MOTH REPELLENT."** U. S. v. 266 containers, more or less, of "GENUINE MIST OF CEDAR * * * MOTH REPELLENT." Default decree of condemnation, forfeiture and destruction. (I. F. & R. No. 294. I. D. No. 32100.)

The product "GENUINE MIST OF CEDAR * * * MOTH REPELLENT" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the label affixed to the containers did not bear an ingredient statement.

On March 27, 1957, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 266 containers, more or less, of "GENUINE MIST OF CEDAR * * * MOTH REPELLENT" at New York, N. Y., alleging that the product was an economic poison which had been transported interstate on or about November 2, 1956, by Spritz, Inc., from Cleveland, Ohio in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded in that the label borne by the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

On September 10, 1957, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

- 261. Lack of registration of "PHOENIX BRAND DDD 5," "PHOENIX BRAND MALATOX 3.5 WITH 50% SULPHUR," "PHOENIX BRAND MALATOX 3.5" and "PARATHION EC-45 EMULSIFIABLE CONCENTRATE."** U. S. v. seven 50-pound bags, more or less, of "PHOENIX BRAND DDD 5"; six 50-pound bags, more or less, of "PHOENIX BRAND MALATOX 3.5 WITH 50% SULPHUR"; ten 50-pound bags, more or less, of "PHOENIX BRAND MALATOX 3.5"; and four 1-gallon containers, more or less, of "PARATHION EC-45 EMULSIFIABLE CONCENTRATE." Default decree of condemnation and forfeiture. (I. F. & R. No. 297. I. D. Nos. 33438, 33440, 33441, and 33442.)

The products "PHOENIX BRAND DDD 5," "PHOENIX BRAND MALATOX 3.5 WITH 50% SULPHUR," "PHOENIX BRAND MALATOX 3.5" and "PARATHION EC-45 EMULSIFIABLE CONCENTRATE" were not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On May 1, 1957, the United States Attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of seven 50-pound bags, more or less, of "PHOENIX BRAND DDD 5"; six 50-pound bags, more or less, of "PHOENIX BRAND MALATOX 3.5 WITH 50% SULPHUR"; ten 50-pound bags, more or less, of "PHOENIX BRAND MALATOX 3.5"; and four 1-gallon containers, more or less, of "PARATHION EC-45 EMULSIFIABLE CONCENTRATE" at El Centro, Calif., alleging that the products were economic poisons which had been transported interstate on or about January 11, 1957, March 2, 1957, and March 21, 1957, from Yuma, Ariz., by Arizona Fertilizers, Inc., in violation of the act.

It was alleged that the products were not registered with the Secretary of Agriculture as required by section 4 of the act.

On June 11, 1957, no claimant having appeared, a decree of forfeiture and condemnation was entered and the Court ordered that the United States Marshal deliver the products to the University of California, Citrus Experiment Station, Riverside, Calif.

262. Lack of registration of "DU-O-CIDE ROSE & FLOWER DUST," "SCALE-O-KIL X," and "CHLOR-THANE SPRAY CONCENTRATE." U. S. v. 141 eight-ounce containers, more or less, of "DU-O-CIDE ROSE & FLOWER DUST"; 35 one-pint containers, more or less, of "SCALE-O-KIL X"; and 7 one-gallon containers, more or less, of "CHLOR-THANE SPRAY CONCENTRATE." Consent decree of condemnation. (I. F. & R. No. 298. I. D. Nos. 33464, 33465, and 33466.)

The products "DU-O-CIDE ROSE & FLOWER DUST," "SCALE-O-KIL X" and "CHLOR-THANE SPRAY CONCENTRATE" were not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On May 10, 1957, the United States Attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 141 eight-ounce containers, more or less, of "DU-O-CIDE ROSE & FLOWER DUST"; 35 one-pint containers, more or less, of "SCALE-O-KIL X"; and 7 one-gallon containers, more or less, of "CHLOR-THANE SPRAY CONCENTRATE" at Phoenix, Ariz., alleging that the products were economic poisons which had been transported interstate on or about April 9, 1957 by R. L. Chacon Chemical Co., from South Gate, Calif., in violation of the act.

It was alleged that the products were not registered with the Secretary of Agriculture as required by section 4 of the act.

Subsequent to seizure, the products were registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and the R. L. Chacon Chemical Co., South Gate, Calif., claimed ownership of the products.

On July 3, 1957, a consent decree of condemnation was entered and the products were released to the claimant.

263. Lack of registration and misbranding of "CRO-PAX FOAM LATEX INSOLES." U. S. v. 243 bags, more or less, each containing 12 pairs of "CRO-PAX FOAM LATEX INSOLES." Consent decree of condemnation and release under bond. (I. F. & R. No. 299. I. D. No. 33817.)

The product "CRO-PAX FOAM LATEX INSOLES" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the label affixed to the containers did not bear an ingredient statement. The product was misbranded in that its label bore claims which were false or misleading.

On June 3, 1957, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 243 bags, more or less, each containing 12 pairs of "CRO-PAX FOAM LATEX INSOLES" at McKeesport, Pa., alleging the product was an economic poison which had been transported interstate on or about April 29, 1957 by Forest City Products, Inc., from Cleveland, Ohio in violation of the act.

It was alleged that this product was not registered with the Secretary of Agriculture as required under section 4 of the act.

It was alleged that the product was misbranded within the meaning of the act in that the label borne by the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

It was alleged that the product was further misbranded within the meaning of the act in that the label stated in part:

* * *
NEW BACTERIA
DESTROYING DISCOVERY

* * *
ANTI-BACTERIAL
DE-ODORIZING
LABORATORY TESTED

* * *

Miracle
Sub-du*
Provides
**ROUND-THE-CLOCK
FOOT PROTECTION**

because:

1. Sub-du is an anti-microbial formula which constantly fights germs on feet, in stockings and shoes.
* * *
3. Sub-du's gentle anti-bacterial action safely provides lasting foot freshness and true cleanliness.
4. Sub-du* is an anti-bacterial and anti-fungal (Athlete's Foot). It protects against Athlete's Foot and its re-infection in shoes.

* * *

Sub-du* achieves the ultimate in foot hygiene

* * *

and such statements were false or misleading since they implied or represented; (1) that the product would destroy bacteria; (2) that the product could be relied upon to protect against athlete's foot and its reinfection in shoes; and (3) that the product would provide continual protection against foot infection; whereas (1) the product would not destroy bacteria; (2) the product could not be relied upon to protect against athlete's foot and its reinfection in shoes; and (3) the product would not provide continual protection against foot infection.

Forest City Products, Inc., Cleveland, Ohio claimed ownership of the product and requested its release under bond for the purpose of removing the product from the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

On September 17, 1957, a consent decree of condemnation was entered and it was ordered by the Court that the product be released to the claimant under bond.

264. Misbranding and adulteration of "NU-PINE." U. S. v. 11,997 one-pint bottles, more or less, and 200 one-gallon containers, more or less, of "NU-PINE." Consent decree of condemnation and release under bond. (I. F. & R. No. 300. I. D. No. 33390.)

The product "NU-PINE" was misbranded in that its labeling bore statements which were false or misleading. The product was adulterated within the meaning of the act in that its labeling claimed a phenol coefficient of 5, whereas upon examination, it was found to have a coefficient of 0.

On June 10, 1957, the United States Attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 11,997 one-pint bottles, more or less, and 200 one-gallon containers, more or less, of "NU-PINE," at Miami, Fla., alleging that the product was an economic poison which had been transported interstate on or about May 6, 1957, by Freeman Products Corp., from Jackson, Miss., in violation of the act.

It was alleged that the product was misbranded within the meaning of the act in that its labeling stated in part:

* * *

NU-PINE

CLEANS DISINFECTS DEODORIZES

* * *

Phenol Coefficient 20-C 5 FDA Method-S Typhosa

FAMILY WASH: For a cleaner brighter family wash—or hygienically clean diapers—add one-half cup of NU-PINE to family wash. NU-PINE penetrating action helps remove dirt, grease and many stubborn stains. Will not harm finest washables.

* * *

- BABY CLOTHES:** Wash baby diapers with 3 tablespoons NU-PINE per gallon of water for a hygienically, sweet smelling clean garment. To sanitize and stop odors from play pens, buggy, cribs, etc., use 2 tablespoons NU-PINE to a quart of water.
- BATH ROOM:** A few drops of NU-PINE will clean and deodorize toilet bowl. To clean toilet seat, lavatory, etc., use $\frac{1}{2}$ cup NU-PINE per gallon of water. Use $\frac{1}{2}$ cup full strength on shower floor to check athlete's foot.
- DISINFECTING SICK ROOMS:** Add $\frac{1}{2}$ cup of NU-PINE to a gallon of soapy water when washing bedroom vessels, brushes, silverware, bedding, towels, furniture, floors, etc.

* * *

and such statements were false or misleading since they implied or represented (1) that the product had a phenol coefficient of 5; (2) that the product, when used as directed, would provide hygienically clean diapers and laundry, and (3) that the product when used as directed, would disinfect or sanitize the articles, places and surfaces named in the labeling and those implied by the term "etc"; whereas, (1) the product had a phenol coefficient of substantially less than 5; (2) the product when used as directed, would not provide hygienically clean diapers or laundry, or (3) the product, when used as directed, would not disinfect or sanitize the articles, places, or surfaces named in the labeling or those implied by the term "etc".

The product was adulterated within the meaning of the act in that its strength and purity fell below the professed standard or quality as expressed in its labeling, since its labeling bore the statement:

"Phenol Co-efficient 20-C 5 FDA Method-S Typhosa"

and such statement implied or represented that the phenol coefficient of the product was 5 by the FDA Method against S. Typhosa, whereas the phenol coefficient of the product was substantially less than 5 by the FDA Method against S. Typhosa.

The Nu-Pine Corp., Jackson, Miss., claimed ownership of the product and requested its release under bond for the purpose of removing the product from the requirements of the act.

On August 13, 1957, a consent decree of condemnation was entered and it was ordered by the Court that the product be released to the claimant under bond.

265. Lack of registration of "BRIDGEPORT SPOT WEED KILLER." U. S. v. 129 12-ounce containers, more or less, of "BRIDGEPORT SPOT WEED KILLER." Consent decree of condemnation and release under bond. (I. F. & R. No. 289. I. D. No. 32706.)

The product "BRIDGEPORT SPOT WEED KILLER" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On August 15, 1956, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 129 12-ounce containers, more or less, of "BRIDGEPORT SPOT WEED KILLER" at Boston, Mass., alleging that the product was an economic poison which had been transported interstate on or about February 2, 1956, by Bridgeport Brass Co. from Bridgeport, Conn., in violation of the act.

It was alleged that the product "BRIDGEPORT SPOT WEED KILLER" was not registered with the Secretary of Agriculture as required by section 4 of the act.

Decatur and Hopkins Co., Boston, Mass., claimed ownership of the product and requested its release under bond, for the purpose of bringing the product into compliance with the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

On November 20, 1956, a consent decree of condemnation was entered and it was ordered by the Court that the product be released to the claimant under bond.

266. Lack of registration of "CATTLE RUBBER INSECTICIDE," and "BEEF CATTLE RUBBER INSECTICIDE." U. S. v. 26 one-gallon cans, more or less, of "CATTLE RUBBER INSECTICIDE," and 76 one-gallon cans, more or less, of "BEEF CATTLE RUBBER INSECTICIDE." Default decree of condemnation, forfeiture and destruction. (I. F. & R. No. 302. I. D. Nos. 34342 and 34343.)

The products "CATTLE RUBBER INSECTICIDE," and "BEEF CATTLE RUBBER INSECTICIDE" were not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On October 25, 1957, the United States Attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 26 one-gallon cans, more or less, of "CATTLE RUBBER INSECTICIDE," and 76 one-gallon cans, more or less, of "BEEF CATTLE RUBBER INSECTICIDE," at East St. Louis, Illinois, alleging that the products were economic poisons which had been transported interstate on or about June 25, 1957 and September 12, 1957, by Yuille Farm Chemical Co., from Higginsville, Mo., in violation of the act.

It was alleged that the products were not registered with the Secretary of Agriculture as required by section 4 of the act.

On November 26, 1957, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy these products.

267. Lack of registration of "IMPROVED 'FLY-GONE' FLY AND INSECT KILLER" and "PURE LINDANE INSECTICIDE." U. S. v. 14 units, more or less, and 141 one and one-half ounce bottles, more or less, of "PURE LINDANE INSECTICIDE." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 301. I. D. Nos. 33120 and 33123.)

The products "IMPROVED 'FLY-GONE' FLY AND INSECT KILLER" and "PURE LINDANE INSECTICIDE" were not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On July 3, 1957, the United States Attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 14 units, more or less, of "IMPROVED 'FLY-GONE' FLY AND INSECT KILLER" and 141 one and one-half ounce bottles, more or less, of "PURE LINDANE INSECTICIDE" at Detroit, Mich., alleging that the products were economic poisons which had been transported interstate, on or about May 14, 1956, and May 22, 1957, by Home Mfg. & Sales Co., from Piqua, Ohio in violation of the act.

It was alleged that the products were not registered with the Secretary of Agriculture as required under section 4 of the act.

On February 14, 1958, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the products.

268. Lack of registration of "'TELO-GENE' GERMICIDE'. U. S. v. 51 containers, more or less, of "'TELO-GENE" GERMICIDE.' Default decree of condemnation, forfeiture and destruction. (I. F. & R. No. 305. I. D. No. 34203.)

The product "'TELO-GENE GERMICIDE'" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On December 17, 1957, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 51 containers, more or less, of "'TELO-GENE" GERMICIDE' at New York, N. Y., alleging that the product was an economic poison which had been transported interstate on or about May 7, 1956, by Zenith Drug, Inc., from Newark, N. J., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required under section 4 of the act.

On January 28, 1958, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

269. Lack of registration, lack of required information on labels, and misbranding of "SILCONITE 20 YEARS WOOD PROTECTION." U. S. v. 35 one-gallon containers, more or less, of SILCONITE 20 YEARS WOOD PROTECTION." Default decree of condemnation, forfeiture and destruction. (I. F. & R. No. 306. I. D. No. 33765.)

The product "SILCONITE 20 YEARS WOOD PROTECTION" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination showed that the labels affixed to the containers of the product did not bear a statement giving the name and address of the manufacturer, registrant, or person for whom manufactured. An examination of the labels affixed to the containers of the product also showed that they did not bear an ingredient statement on that part of the immediate container of the retail package which is presented or displayed under customary conditions of purchase. The product was misbranded within the meaning of the act in that its accompanying labeling did not contain directions for use which are necessary and, if complied with, adequate for the protection of the public. The product was further misbranded within the meaning of the act in that its net content was less than that claimed on its label and the product contained less than the amount of pentachlorophenol claimed on the label. The product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling.

On January 3, 1958, the United States Attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 35 one-gallon containers, more or less, of "SILCONITE 20 YEARS WOOD PROTECTION" at Vancouver, Wash., alleging that the product was an economic poison which had been transported interstate on or about September 15, 1956, by Imperial Standard Corp., from Los Angeles, Calif., in violation of the act.

The product was labeled, marked, and branded (in part) as follows:

"76
SILCONITE
20 YEAR WOOD PROTECTION
CONTAINING
M MONSANTO
PENTACHLOROPHENOL and GENERAL ELECTRIC
SILICONE

* * *

- STOPS Rot . . . Stain . . . Decay . . . Fungus . . .
- KILLS Termites . . . Insects . . . Beetles . . . Carpenter Ants"

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product did not bear a label giving the name and address of the manufacturer, registrant, or person for whom manufactured.

It was alleged that the product was misbranded within the meaning of the act in that its labeling bore the statements:

"Active ingredients:	Inert ingredients:
PENTACHlorophenol 5.20	Water repellents
Petroleum	Silicone solution 2.00
Hydrocarbons 78.80	Inert ingredients 13.00

* * *

GALLON U. S. MEASURE"

and such statements were false or misleading since they implied or represented: (1) that the product contained 5.20% of pentachlorophenol; (2) that the product contained no ingredients other than the ingredients listed in such statements; and (3) that the net content of the product was one gallon; whereas (1) the product contained less than 5.20% of pentachlorophenol; (2) the product contained ingredients other than those listed in such statements, namely, other chlorophenols and related compounds; and (3) the net contents of the containers of the product was less than one gallon.

It was alleged that the product was further misbranded within the meaning of the act in that its label did not bear an ingredient statement on that part of the immediate container of the retail package which is presented or displayed under customary conditions of purchase.

It was alleged that the product was further misbranded within the meaning of the act in that its accompanying labeling did not contain directions for use which are necessary and, if complied with, adequate for the protection of the public.

It was alleged that the product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling, since its labeling bore the statement: "PENTACHlorophenol 5.20," and such statement implied or represented that the product contained 5.20% of pentachlorophenol, whereas, the product contained less than 5.20% of pentachlorophenol.

On January 24, 1958, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

270. Lack of registration of "DDT-SULPHUR PEANUT DUST," "PEANUT DUST FOR LEAFSPOT AND LEAFHOPPER CONTROL," and "4% COPPER—5% DDT—80% SULPHUR PEANUT DUST." U. S. v. 80 fifty-pound bags, more or less, of "DDT-SULPHUR PEANUT DUST;" "40 fifty-pound bags, more or less, of "PEANUT DUST FOR LEAFSPOT AND LEAFHOPPER CONTROL;" and 9 fifty-pound bags, more or less, of "4% COPPER—5% DDT—80% SULPHUR PEANUT DUST." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 304. I. D. Nos. 33935, 33936, and 33937.)

The products "DDT-SULPHUR PEANUT DUST," "PEANUT DUST FOR LEAFSPOT AND LEAFHOPPER CONTROL," and "4% COPPER—5%DDT—80% SULPHUR PEANUT DUST" were not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On December 12, 1957, the United States Attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the United States District Court, a libel praying seizure for condemnation and confiscation of 80 fifty-pound bags, more or less, of "DDT-SUPHUR PEANUT DUST;" 40 fifty-pound bags, more or less, of "PEANUT DUST FOR LEAFSPOT AND LEAFHOPPER CONTROL;" and 9 fifty-pound bags, more or less, of "4% COPPER—5% DDT—80% SULPHUR PEANUT DUST," at Petersburg, Va., alleging that the products were economic poisons which had been transported interstate on or about July 2, 1957, and July 18, 1957, by the Quality Chemical Corp., from Ahoskie, N. C., in violation of the act.

It was alleged that the products were not registered with the Secretary of Agriculture as required under section 4 of the act.

On April 14, 1958, no claimant having appeared, a decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to destroy the products.

INDEX TO NOTICES OF JUDGMENT 252-270

	N. J. No.		N. J. No.
Alcatraz Number 100 Wood Preservative Dark Brown		Hari Kari Kills Japanese Beetles	
The Alcatraz Co., Inc.-----	255	Lynwood Laboratories----	256
Alcatraz Number 100 Wood Preservative Dark Brown		Improved 'Fly-Gone' Fly and Insect Killer	
The Alcatraz Co., Inc.-----	259	Home Mfg. & Sales Co.----	267
Beef Cattle Rubber Insecticide		Ker-Dan 45% Chlordane	
Yuille Farm Chemical Co._	266	Ker-Dan Products-----	254
Bridgeport Spot Weed Killer		Nu-Pine	
Bridgeport Brass Co.-----	265	Freeman Products Corp.---	264
Cattle Rubber Insecticide		Parathion EC-45 Emulsifiable Concentrate	
Yuille Farm Chemical Co._	266	Arizona Fertilizers, Inc.---	261
Cedar Closet Spray		Peanut Dust for Leafspot and Leafhopper Control	
Aerosol Methods-----	253	Quality Chemical Corp.----	270
Cedar Seal Geunine Aromatic Red Cedar		Phoenix Brand DDD 5	
Cedar-Seal Corp.-----	252	Arizona Fertilizers, Inc.---	261
Chlor-Thane Spray Concentrate		Phoenix Brand Malatox 3.5	
R. L. Chacon Chemical Co._	262	Arizona Fertilizers, Inc.---	261
Cro-Pax Foam Latex Insoles		Phoenix Brand Malatox 3.5 with 50% Sulphur	
Forest City Products, Inc._	263	Arizona Fertilizers, Inc.---	261
Day 'N Niter Sleep and Play Set		Pure Lindane Insecticide	
S & R Infants Wear Co., Inc.-----	258	Home Mfg. & Sales Co.-----	267
DDT-Sulphur Peanut Dust		Puritron	
Quality Chemical Corp.---	270	Ozo Sales Corp.-----	257
Du-O-Cide Rose & Flower Dust		Scale-O-Kil X	
R. L. Chacon Chemical Co._	262	R. L. Chacon Chemical Co._	262
4% Copper—5% DDT—80% Sulphur Peanut Dust		Shoo-Fly Hornet Ear-Wig Jet Bomb	
Quality Chemical Corp.---	270	Lynnwood Laboratories---	256
Genuine Mist of Cedar *** Moth Repellent		Siliconite 20 Years Wood Protection	
Spritz, Inc.-----	260	Imperial Standard Corp.---	269
Hari Kari Flower Bomb		"Telo-Gene" Germicide	
Lynwood Laboratories ----	256	Zenith Drug, Inc.-----	268

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3 1262 08588 8344